



TO: Workforce Investment Board Chairperson
Workforce Investment Board Director
Regional Workforce Board Chairpersons
Regional Operators
Regional Coordinators

FROM: Andrew J. Penca
Commissioner

THROUGH: Teresa L. Voors
Chief Counsel and Director of Policy

DATE: April 4, 2007

SUBJECT: DWD Policy 2006-19
Policy Guidance for Ensuring Access to Services for Persons
with Limited English Proficiency

REGARDING: Workforce Investment Act, Wagner-Peyser and Unemployment Insurance

Purpose

To provide policy and guidance to grant recipients in serving persons with Limited English Proficiency (LEP).

Rescission

DWD Communication 2001-11, dated October 4, 2001.

Contents

On August 11, 2000, President Clinton issued Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency." Pursuant to this Executive Order, the U.S. Department of Labor's Civil Rights Center (CRC) has issued policy guidance on steps to be taken for ensuring equal access to services for persons with limited English speaking proficiency. A copy of the guidance from CRC's "**Language Assistance and Planning Self-Assessment Tool for Recipients of Federal Financial Assistance**" is attached.

This guidance applies to the programs and activities that are part of the One-Stop delivery system, Indiana's WorkOne centers and WorkOne Express sites.

Persons eligible to be served or likely to be directly affected by a grant recipient's program or activity are those persons who are in the grant recipient's geographical area.

The steps taken by the grant recipient must ensure that the LEP individual is given adequate information in the language with which he/she is familiar, is able to understand the services and benefits available, and is able to receive those services and benefits free of charge. The grant recipient must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.

To achieve a meaningful access program, grant recipients must first conduct a thorough assessment of the language needs of the population to be served. This can be done by reviewing data from the "Hoosiers by the Numbers" website at <http://www.hoosierdata.in.gov/> for a percentage of LEP language groups within your region and www.stats.indiana.edu for breakouts of LEP language groups in counties within your region. The CS3 system at WorkOne offices can provide a listing of LEP language groups registered for services.

Next, grant recipients must develop and implement written procedures for:

- Obtaining and providing trained and competent interpreters
- Providing notification to LEP persons in appropriate languages of their right to free language assistance
- Ensuring that staff are trained and can work effectively with LEP persons
- Ensuring the periodic monitoring of the program and
- Translating written materials

Note: Interpreter services should include such options as the use of bilingual staff, staff interpreters, contract interpreters and community volunteers. Grant recipients are discouraged from the use of friends and family members as interpreters. Such practice may expose the recipient to liability and result in a breach of confidentiality under Title VI of the 1964 Civil Rights Act and Section 188 of the Workforce Investment Act (WIA). If, after a grant recipient informs a LEP person of the right to free interpreter services, the person declines such services and requests the use of a family member or friend, the recipient may use that person, but must document the offer and declination on the LEP person's file.

Written materials, such as applications, consent forms, benefit rights information, filing a complaint of discrimination, and notices advising LEP persons of the availability of free language assistance must be translated into languages other than English of each regularly encountered LEP group eligible to be served or likely to be directly or significantly affected by the grant recipient's program or activity. The requirements outlined in this policy guidance also apply to materials posted on websites. Generally entire websites need not be translated. Usually only the vital documents or vital information posted would require translation.

The resources available to a grant recipient of federal financial assistance may have an impact on the nature of steps that recipients must take. For example, a small grant recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP assistance in programs and activities that have a limited number of eligible LEP individuals, where contact is infrequent, and/or where the program or activity is not crucial to an individual's day-to-day existence. Claims of limited resources, especially from larger entities, will need to be well substantiated.

A grant recipient with fewer than five percent or 1,000 persons (whichever is less) in a language group eligible to be served or likely to be directly affected by the grant recipient's program or activity need not translate written materials but rather may provide written notice in the LEP individual's primary language, of the right to receive free language assistance, including the right to competent oral interpretation of written materials, free of cost. No person may be denied meaningful access to a recipient's services and benefits on the basis of national origin or inability to communicate.

Recipients have considerable flexibility in determining how to meet their legal obligations to LEP individuals. However, grant recipients must establish and implement policies and procedures to provide language assistance sufficient to fulfill their Title VI and Section 188 responsibilities that give LEP individuals meaningful access to services.

Questions may be directed to Joyce Howard, Legal Support at (317) 232-0603 or jhoward@dwd.in.gov

Effective Date

Upon Receipt

Review Date

March 30, 2009

Ownership

Legal Support

Action

The Regional Operators and Workforce Investment Board Director are to ensure that the attached procedures are communicated to persons responsible for ensuring compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

Attachment

Language Assistance and Planning Self-Assessment Tool for Recipients of Federal Financial Assistance